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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,304	07/24/2003	Raymond Moskaluk	200309921-1	1906

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FORT COLLINS, CO 80527-2400

EXAMINER

QIN, YIXING

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,304

Applicant(s)

MOSKALUK, RAYMOND

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 24 recites the limitation "said polycarbon memory". There is insufficient antecedent basis for this limitation in the claim.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "likeness" in claims 1-30 is used by the claims to mean "a printed picture on media representing a received image ", while the accepted meaning is "picture consisting of a graphic image of a person or thing or denotes similarity, resemblance, representation, etc." One would not consider an electronic image a person or thing. If the other definition is used, then the term likeness become unclear as to how similar or what the resemblance may be between the received image and the likeness of the image printed on the media. The term is also indefinite because the specification does not clearly redefine the term. P[0017] of the applicant's specification discloses "printing a likeness of the image 403 (e.g., another picture)." P[0018] discloses "with a likeness of an image 403 (e.g., a picture printed thereon)" and "a likeness of the image (e.g., a picture)"

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-8, 14-18, and 25-30 rejected under 35 U.S.C. 102(e) as being anticipated by Ostrover (U.S. Patent No. 6,585,154).

Regarding 1, 25, Ostrover discloses an image storage method comprising:
receiving a first image; (column 6, lines 22-24)
printing a likeness of said first image on a media; (column 6, lines 30-33) and
placing an encoded representation of said first image on said media. (column 4, line 66 –
column 5, line 14.)

Regarding 2, 29, Ostrover discloses the method of claim 1, wherein said encoded representation of said first image comprises a computer-readable representation of said first image. (column 4, lines 47-65)

Regarding 3, 26, Ostrover discloses the method of claim 1, further including creating said encoded representation of said first image. (column 4, lines 24-37)

Regarding 4, Ostrover discloses the method of claim 1, further including receiving a picture of said first image. (column 6, lines 25-30)

Regarding 5, Ostrover discloses the method of claim 1, wherein said receiving said first image comprises receiving a computer-readable image. (column 6, lines 25-30)

Regarding 6, Ostrover discloses the method of claim 1, wherein said receiving said first image comprises receiving a computer-generated image. (column 6, lines 25-30)

Regarding 7, 28, Ostrover discloses the method of claim 1, wherein said printing said likeness of said first image comprises printing a picture of said first image on said media. (column 6, lines 30-33)

Regarding 8, Ostrover discloses the method of claim 1, wherein said placing said encoded representation of said first image on said media comprises placing said encoded representation of said first image in a computer-readable storage on said media. (Fig. 1)

Regarding 14, Ostrover discloses the method of claim 1, wherein said placing said encoded representation of said first image on said media comprises attaching said encoded representation of said first image to said media. (Fig. 1)

Regarding 15, Ostrover discloses an image storage method comprising:
receiving a first media comprising an encoded representation of an image; (column 6, lines 25-29) and

replicating a likeness of said image on a second media, said replicating based on said encoded representation of said image. (column 6, lines 30-33)

Regarding 16, Ostrover discloses the method of claim 15, wherein said first media includes a picture of said encoded representation of said image. (column 6, lines 25-29, column 4, lines 47-65)

Regarding 17, Ostrover discloses the method of claim 15, further including placing a copy of said encoded representation of said image on said second media. (column 4, line 66 – column 5, line 14)

Regarding 18, Ostrover discloses the method of claim 15, wherein said likeness of said image comprises a picture of said image. (column 6, lines 30-33,)

Regarding 27, Ostrover discloses the image processing system of claim 25, wherein said first image is a digital representation of a picture. (column 6, lines 26-30, column 4, lines 47-65)

Regarding 30, Ostrover discloses the image processing system of claim 25, further including means for reading said encoded representation of said first image. (column 6, lines 36-41)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 9-13, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrover (U.S. Patent No. 6,585,154) in view of Official Notice.

Regarding claims 9-13, 20-24, Ostrover discloses a microchip with a memory that is to be attached to a surface for representing a document printed on that surface.

It does not explicitly disclose the specific types of memories used.

However, the Examiner takes Official Notice on the use of different types of memories since they are common mediums used in data storage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any known storage medium.

The motivation would have been to allow various ways to store data depending on various needs such as size, cost, etc.

Therefore, it would have been obvious to use various to obtain the invention as specified.

Regarding claim 19, Ostrover discloses an image storage media comprising:
a first surface adapted for displaying a likeness of an image; (column 6, lines 60-33) and
a second surface configured for storing an encoded representation of said image, said first and second surfaces being in communication with each other. (column 6, lines 60-33. Although Ostrover does not detail which surface to print onto, it is well known to be able to print information on both side of a media)

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



YQ



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